

COMMITTEE ON PUBLIC SAFETY AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1049

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-3623.01, Arizona Revised Statutes, is amended
3 to read:

4 13-3623.01. Safe haven for newborn infants; definitions

5 A. A person is not guilty of abuse of a child pursuant to section
6 13-3623, subsection B solely for leaving an unharmed newborn infant with a
7 safe haven provider.

8 B. A FIRE STATION AND A HEALTH CARE INSTITUTION THAT IS CLASSIFIED BY
9 THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION 36-405 AS A HOSPITAL OR
10 AN OUTPATIENT TREATMENT CENTER SHALL POST A NOTICE THAT IT ACCEPTS A NEWBORN
11 INFANT PURSUANT TO THIS SECTION AT ALL ENTRANCES. THE NOTICE SHALL BE PLACED
12 ON THE EXTERIOR OF THE BUILDING IN A LOCATION THAT IS NOTICEABLE TO THE
13 PUBLIC. THE NOTICE SHALL BE PRINTED IN BOLD FACED CAPITAL LETTERS THAT ARE
14 NOT LESS THAN TWO INCHES IN HEIGHT. THE NOTICE MAY INCLUDE AN IDENTIFYING
15 LOGO.

16 B. C. If a parent or agent of a parent voluntarily delivers the
17 parent's newborn infant to a safe haven provider, the safe haven provider
18 shall take custody of the newborn infant if both of the following are true:

19 1. The parent did not express an intent to return for the newborn
20 infant.

21 2. The safe haven provider reasonably believes that the child is a
22 newborn infant.

23 C. D. The safe haven provider shall report the receipt of a newborn
24 infant to child protective services of the department of economic security as
25 soon as practicable after taking custody of the newborn infant. Child
26 protective services shall report the number of newborn infants delivered to
27 safe haven providers pursuant to section 8-526.

28 D. E. A parent or agent of a parent who leaves a newborn infant with a
29 safe haven provider may remain anonymous, and the safe haven provider shall

1 not require the parent or agent to answer any questions. A safe haven
2 provider shall offer written information about information and referral
3 organizations.

4 **E. F.** A safe haven provider who receives a newborn infant pursuant to
5 this section is not liable for any civil or other damages for any act or
6 omission by the safe haven provider in maintaining custody of the newborn
7 infant if the safe haven provider acts in good faith without gross
8 negligence.

9 **F. G.** This section does not preclude the prosecution of the person for
10 any offense based on any act not covered by this section.

11 **G. H.** For the purposes of this section:

12 1. "Newborn infant" means an infant who is seventy-two hours old or
13 younger.

14 2. "Safe haven provider" means any of the following:
15 (a) A firefighter who is on duty.
16 (b) An emergency medical technician who is on duty.
17 (c) A staff member at a health care institution that is classified by
18 the department of health services pursuant to section 36-405 as a hospital or
19 an outpatient treatment center.

20 (d) A staff member or volunteer at any of the following that posts a
21 public notice that it is willing to accept a newborn infant pursuant to this
22 section:

23 (i) A private child welfare agency licensed pursuant to title 8,
24 chapter 5, article 1.
25 (ii) An adoption agency licensed pursuant to section 8-126.
26 (iii) A church. For the purposes of this item, "church" means a
27 building that is erected or converted for use as a church, where services are
28 regularly convened, that is used primarily for religious worship and

Senate Amendments to S.B. 1049

1 schooling and that a reasonable person would conclude is a church by reason
2 of design, signs or architectural or other features.”
3 Amend title to conform

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